

**COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION
CAPITAL FUNDING, FREIGHT RAIL FUNDING
FISCAL YEAR 2002 PROGRAM GUIDELINES**

INTRODUCTION

The Executive Office of Transportation and Construction (E.O.T.C.) has developed the following information to assist cities, towns and other public entities in securing and using state bond funds that are available for freight rail improvements. These funds are available under Chapter 205, Section 2H of the Acts and Resolves of 1996 for the purpose of implementing rail improvements pursuant to the general provisions of Chapter One-Hundred and Sixty-one C of the General laws of Massachusetts. Some of the requirements described below are particular to this Program; many are standard requirements for other E.O.T.C. programs.

ELIGIBLE PROPONENTS

Eligible proponents of freight rail projects include Commonwealth, regional or municipal/local public entities. Awards will not be made to private parties. Eligible proponents shall demonstrate that they will observe all proper procurement procedures for the project. A proponent's support for its freight rail project must be financial as well as functional. If a proponent is to be a public/private or public/public partnership, the project proponent shall outline the terms of the partnership, including the value of the parties' respective contributions and the effect, if any, on the public applicant's continuing control of the project.

PROJECT ELIGIBILITY CRITERIA

Eligible parties must submit a freight rail proposal that will provide a sustained public benefit sufficient to warrant the use of public funds, including the issuance of long-term debt by the Commonwealth. Parties who cannot demonstrate that their proposal meets this requirement will not qualify for this program.

Examples of eligible projects include, construction of public intermodal freight facilities, safety improvements, and new right-of ways. **Operating funds cannot be provided under this Program.**

The application must contain a project schedule with the following information:

- Key project milestones;
- Project phasing, and
- Complete permitting requirements.

The applicant should identify opportunities to phase the project over more than one fiscal year.

PROJECT EVALUATION CRITERIA

Proponents shall demonstrate how project elements would support the Commonwealth's transportation, land use, economic development, and environmental policies. Projects should demonstrate consistency with local and regional transportation, land use and economic development plans including the state rail plan.

Project proponents are strongly encouraged to develop freight rail projects that will create or strengthen intermodal freight transportation connections. Project proponents will be expected to address the functional and economic role of connections to industrial uses and other rail facilities, including storage facilities. Maintenance and Operating Plans may be requested. Proponents are strongly encouraged to establish interagency project responsibilities at all levels (i.e. design, construction and operation) in the process of developing a proposal. Projects should also identify long-term transportation cost savings. If the project requires land acquisition and/or disposition, proponents must identify these and establish an acquisition/disposition process including any agencies that must be involved in these transactions.

If funding is requested for a study, the study must: (a) define the issue(s) to be analyzed; (b) describe the methodology and the criteria to be used in the analysis; (c) establish the benefit of early participation by the Commonwealth, and (d) indicate the overall study's timing and the actions to follow upon the study's completion.

Project proponents are strongly urged to include an inclusive public participation process as part of the Project.

PROJECT FUNDING

Whether EOTC funding is the principal or a minor portion of the proponent's overall capital budget, a complete and accurate capital budget and spending plan are essential. Applicants are requested to state the total project cost and the capital cost of the particular element(s) for which Commonwealth freight rail capital funding is being sought. Applicants **must** identify a minimum 25% local match and the source of the local match. Local matches of greater than 25% are encouraged.

Applicants should clearly state the total amount requested for Fiscal Year 2002 and the projected total that the Applicant expects to request for all fiscal years. Applicants must provide a quarterly drawdown schedule for FY 2002.

Please note that EOTC awards funds for only the current fiscal year, but accurate information about future years should be included.

Please note that the quarterly drawdown schedule will be incorporated into any contract award. EOTC reserves the right to re-program to other projects any and/or all funds that are not drawn down in accordance with the application and award. The proponent shall consult with EOTC immediately if a change in the drawdown schedule is anticipated.

REPORTING REQUIREMENTS

All recipients will be asked to keep E.O.T.C. advised of project progress. This may include providing copies of data and technical reports and establishing an inclusive program for public participation. At a minimum, recipients must submit a brief summary of project progress at the close of each fiscal quarter, including information on DBE program implementation. At project completion, recipients will be required to produce a comprehensive report that addresses all elements of the proposal, including findings and recommendations for implementation. A project schedule, including key milestones, project phasing and complete permitting requirements must be included.

DISADVANTAGED BUSINESS ENTERPRISE (DBE) FULFILLMENT PROGRAM

The project proponent must include a DBE fulfillment program as part of the application. Levels of DBE involvement should be specified along with outreach methods and a statement of how the applicant intends to meet Federal, Commonwealth and local DBE requirements. If selected for an award, proponents shall be expected to follow through and report on all elements of the stated DBE fulfillment program.

The proponent must also ensure that all components of its proposal also comply with all other applicable local, state, and federal regulations including ADA, clean state, etc.

SUPPLEMENTAL INFORMATION

Proponents are encouraged to submit any other information that is considered useful for review of an application.

Questions or comments can be directed to Siobhan N. Perenick, Supervisor of Rail by telephone (617) 973-7013. All facsimile communications can be sent to (617) 523-6454.

All Applications must be received by June 30, 2001.

**COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION
FREIGHT RAIL CAPITAL PROGRAM
APPLICATION FOR FY 2002 FUNDING**

1. Project Proponent(s):

- If there are multiple Project Proponents, the identify and responsibility of each proponent must be stated and a Lead Proponent identified. Unless otherwise agreed to by EOTC in writing, the lead proponent will be responsible for assuring proper performance of all grant terms, including adherence to all applicable laws and regulations. The Lead Proponent must be a public agency or authority;
- If the Project Proponents are a public/private or public/public partnership, the partnership terms and the contribution of each partner should be specified;
- If the Project Proponents expect there to be other interested parties, these parties and their respective interests in the Project must be identified, and
- Lead Proponent must identify and describe its anticipated role and responsibilities throughout the Project, highlighting any changes in overall project control.

2. Project Description:

- Describe the Project in detail. Applicants are encouraged to provide one or more maps or other graphics; i.e., Val plans delineating the Project site, site context, routes of travel, etc. The ownership and control of any real property involved in the Project must be stated and the planning context (ex: *site plans*, regional transportation plans and intermodal systems) established, and
- Provide a Scope of Work for the entire Project, clearly identifying particular element(s) for which Commonwealth water transportation funding is being sought. The Scope of Work must state and describe the relationship of (i) present and proposed freight rail activities; (ii) other transportation activities and modes, and (iii) other uses/activities.

2. Project Timing:

- Describe the current status of the Project, anticipated future work tasks, completion date(s), and
- Identify any opportunities to phase the Project over more than one fiscal year.

3. Project Funding:

- Capital budget: a complete and accurate capital budget and spending plan are required, whether EOTC provides the principal or a minor portion of the Project's overall capital budget. The budget shall include the total Project capital cost and the capital cost of the particular element(s) for which Commonwealth freight rail funding is being requested. Information must be delineated on a spreadsheet showing costs, actions and funding by fiscal year. All funding sources must be identified.

- Operating budget: EOTC's **freight rail program does not provide operating funds**; however, proof of operational economic viability is critical to review of capital funding proposals. Project Proponents must provide the following:
 - A business plan, including management and maintenance plans for the Project once operational;
 - A pro forma operating Budget, including projected (i) income sources and amounts, and (ii) cost elements and amounts. Project proponents must provide this information for several fiscal years, particularly if project costs and revenues are expected to change significantly over time.
- State freight rail funding requested:
 - Please state total amount requested for FY 2002 and the projected total funding to be requested from the Commonwealth for all applicable fiscal years;
 - Specify the activity to be funded and the amount to be drawn down in each quarter of Fiscal Year 2002 if the total amount requested in Fiscal Year 2002 is provided;
 - Note that this quarterly drawdown schedule will be incorporated into any contract award as a project spending plan. EOTC reserves the right to re-program to other projects any funds that are not drawn down in accordance with the spending plan in this application. The Project Proponent must consult immediately with EOTC if variation from the spending plan is anticipated.

4. If Project is a Feasibility Study:

Studies should be direct precursors to investment or other action which will advance the freight rail industry. Project examples include local terminal siting studies, intermodal service plans, or innovative safety projects.

- In describing the study, the Project Proponent must identify: (i) question(s) to be studied; (ii) study methodology, (iii) criteria for evaluating results, (iv) reason(s) for Commonwealth participation, and (v) action(s) following study completion.

5. Project Reporting Requirements:

- All Proposals must contain provisions for periodic project progress summaries at the close of each fiscal quarter. Proponents are strongly encouraged to advise EOTC of project progress on a more frequent basis, including but not limited to providing information on the following:
 - Project management tasks, including conformance with project budget and timeline;
 - Coordination with involved parties, including public agencies;
 - Comprehensive public participation process, notice of meeting dates.
 - DBE compliance

- All Proposals must contain a provision for production of a comprehensive report addressing all elements of the Project, including findings and recommendations for implementation.

7. Other relevant facts/circumstances:

- Provide any other information that EOTC should consider in reviewing this Application. Relevant information may be submitted under separate cover; however, the information should be referenced in the Application.
- All attachments to this Application must be listed and enclosed.

Submitted by: _____

Agency Name

Proposal Contact Person (Name and Title)

Date